

## REPORT ON STATE LEGISLATION

ENACTED and EFFECTIVE January 27, 2017

Provides that no otherwise eligible worker shall be disqualified from receiving benefits for the duration of any period of unemployment, with respect to which he has left his most recent suitable work or any other suitable work which occurred after the first day of the worker's base period and which last preceded his most recent work, voluntarily without good cause attributable to the employment for leaving work to accompany the worker's spouse to a different state, military base of assignment, or duty station that is 100 road miles or more, as measured on a one-way basis, from the worker's home when the spouse is reassigned by the military (previously, for leaving work to accompany the worker's spouse to a different state when the spouse is reassigned by the military). (Previously, this provision applied only if the state of relocation adopted a statute substantially similar to this provision.)

**MARYLAND**

HB 137  
(CH 245)

SB 21  
(CH 244)

Enacted April 18, 2017  
Effective July 1, 2017

Overpayments

Adds the following method to recover benefits paid to a claimant to which the claimant was not entitled: by assessment in the same manner as provided in section 8-629 of the state Unemployment Insurance Law for the assessment of past due contributions.

Provides that, if the secretary seeks to recover an amount of benefits paid to a claimant to which not entitled by assessment, the secretary shall allow a claimant to elect, within 30 days of the date of the notice of assessment, to have the amount collected by suit instead of by assessment.

Requires the secretary to adopt regulations to provide general guidance about: (1) the processes under which the secretary may recover benefits; and (2) the application of section 8-629 to the recovery of benefits by assessment.

**NEBRASKA**

LB 203

ENACTED March 29, 2019  
EFFECTIVE September 3, 2017

Administration

Provides that a notice of a determination upon a claim shall be promptly given to the claimant by electronic notice (previously, delivery thereof) or by mailing such notice to his or her last-known address. A claimant shall elect to receive either electronic notice or mailed notice when he or she files a new claim or establishes a new benefit year. A claimant may change his or her election at any time.

Nonmonetary Eligibility

Provides under subsection (2) of section 48-626 of the state Employment Security Law that, for any benefit year beginning on or after October 1, 2018, any otherwise eligible individual shall be entitled during any benefit year to a total amount of benefits equal to whichever is the lesser of (a) 26 times his or her weekly benefit amount or (b) one-third of his or her wages in the employment of each employer per calendar quarter of his or her base period; except that when any individual has been separated from his or her employment with a base period employer under circumstances under which he or she was or could have been determined disqualified under subdivision (1)(b) or (2) of section 48-628 (left work voluntarily without good cause or discharged for misconduct connected with his or her work), the total benefit amount based on the employment from which he or she was so separated shall be reduced by an amount determined pursuant to subsection (3) of section 48-626, but not more than one reduction may be made for each separation. In no event shall the benefit amount based on employment for any employer be reduced to less than one benefit week when the individual was or could have been determined disqualified under subdivision (1)(b) of section 48-628.

Provides under subsection (3) of section 48-626 that, for purposes of determining the reduction of benefits described in subsection (2) of section 48-626:

(a) If the claimant has been separated from his or her employment under circumstances under which he or she was or could have been determined disqualified under subdivision (1)(b) of section 48-628, his or her total benefit amount shall be reduced by:

(i) 2 times his or her weekly benefit amount if he or she left work voluntarily for the sole purpose of accepting previously secured, permanent, full-time, insured work, which he or she does accept, which offers a reasonable expectation of betterment of wages or working conditions, or both, and for which he or she earns wages payable to him or her; or

(ii) 13 times his or her weekly benefit amount if he or she left work voluntarily without good cause for any reason other than that described in subdivision (3)(a)(i) of section 48-626.

(b) If the claimant has been separated from his or her employment under circumstances under which he or she was or could have been determined disqualified under subdivision (2) of section 48-628, his or her total benefit amount shall be reduced by 14 times his or her weekly benefit amount.

Provides under subsection (b) of section 48-628 that, for any benefit year beginning on or after October 1, 2018, an individual shall be disqualified for benefits for the week in which he or she has left work voluntarily without good cause, if so found by the commissioner, and for all subsequent weeks until the individual has earned wages in insured work in an amount of at least 4 times his or her weekly benefit amount and has separated from the most recent subsequent employment under nondisqualifying conditions. A temporary employee of a temporary help firm has left work voluntarily without good cause if the temporary employee does not contact the temporary help firm for reassignment upon completion of an assignment and the temporary employee has been advised by the temporary help firm of his or her obligation to contact the temporary help firm upon completion of assignments and has been advised by the temporary help firm that the temporary employee may be denied benefits for failure to do so.

**NORTH DAKOTA**

HB 1196

ENACTED March 21, 2017

EFFECTIVE August 1, 2017

#### Financing

Deletes the following language: However, moneys in the federal advance interest repayment fund may not be expended or available for expenditure in any manner which would permit their substitution for, or a corresponding reduction in, federal funds which would in the absence of the moneys be available to finance expenditures for the administration of the bureau.

Adds the following language: Moneys in the federal advance interest repayment fund may be used to administer the unemployment insurance program and may be used to pay expenses incurred by job service North Dakota which are not payable with federal grant or state general funds. Moneys in this fund are appropriated to administer the unemployment insurance program

and to pay expenses incurred by job service North Dakota which are not payable with federal grant or state general funds. The federal advance interest payment fund must maintain a minimum balance to pay interest due on advances to the state trust fund. The minimum balance must be calculated annually by multiplying the average calendar year benefits paid for the preceding five completed calendar years by one percent. The federal advance interest repayment fund may drop below the annual minimum balance only if payment is required on interest due on advances to the state trust fund.

**NORTH DAKOTA** SB 2104

ENACTED March 14, 2017  
EFFECTIVE August 1, 2017

Administration

Provides, under the confidentiality provisions, that the information technology department may request from any state agency unemployment insurance wage data from job service North Dakota for education and workforce development program evaluations, except that the information technology department may not redisclose any data identifying an individual unless the redisclosure is expressly permitted by a written agreement between job service North Dakota and the department or is otherwise expressly permitted or required by federal or state law (previously, for education and workforce development program evaluations, except that job service North Dakota may not disclose any data identifying an individual).

**WYOMING**

HB 71  
(CH 6)

ENACTED and EFFECTIVE February 13, 2017

Administration

Provides that a claimant or employer may elect to have determinations, decisions, or notices transmitted electronically through an internet application approved by the state Department of Employment, in lieu of transmission through the regular mail. Once the election is made by the claimant or employer, any determination, decision, or notice required to be mailed to that claimant or employer may be transmitted instead through an internet application approved by the department. Upon the completion of every electronic transmission, the department shall provide to the claimant or employer an electronic acknowledgement specifying the date and time when the transmission was sent or received. Except as otherwise required by rules applicable to appeals to the courts of this state, determinations, decisions, or notices transmitted by an approved electronic means may be appealed or protested by use of the same means. For the purpose of all relevant time limits, electronically transmitted information shall be deemed delivered on the date indicated on the required acknowledgment, or if no acknowledgment exists, on the date the electronic delivery is initiated by the party sending the information.

**WYOMING**

HB 171  
(CH 102)

ENACTED March 2, 2017  
EFFECTIVE July 1, 2017

Financing

Provides that, upon reviewing the account of a delinquent employer, the state Department of Employment may eliminate or reduce contributions payable due to the 2 percent delinquency tax rate increase imposed either upon a showing of good cause, or a finding (previously, may collect up to double the tax due plus interest in lieu of the delinquency rate if it finds) that:

(i) the delinquency is less than \$1,000 (previously, the delinquency and interest is less than \$200);

(ii) after notice of the changed rate, the employer protested his delinquency tax rate in writing to the department pursuant to Wyoming Statutes section 27-3-506(b);

(iii) all delinquent amounts (previously, the delinquent contributions and interest) are paid by December 31 preceding the calendar year for which the delinquent rate has been assigned; and

(iv) all delinquent wage records are submitted (added (iv)).